

## **EXHIBIT B**

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

NO. **14-11250**

SUZANNE STONE MARSHALL, ADELE FOX, MARSHA PESHKIN, and  
RUSSELL OASIS, individually and on behalf of a class of similarly situated,

Appellants,

- versus -

CAPITAL GROWTH COMPANY; DECISIONS, INC.; FAVORITE FUNDS; JA  
PRIMARY LIMITED PARTNERSHIP; JA SPECIAL LIMITED  
PARTNERSHIP; JAB PARTNERSHIP; JEMW PARTNERSHIP; JF  
PARTNERSHIP; JFM INVESTMENT COMPANIES;  
JLN PARTNERSHIP; JMP LIMITED PARTNERSHIP; JEFFRY M. PICOWER  
SPECIAL COMPANY; JEFFRY M. PICOWER, P.C.; THE PICOWER  
FOUNDATION; THE PICOWER INSTITUTE OF MEDICAL RESEARCH; THE  
TRUST F/B/O GABRIELLE H. PICOWER; BARBARA PICOWER, individually,  
and as Executor of the Estate of Jeffry M. Picower, and as Trustee for the Picower  
Foundation and for the Trust f/b/o Gabriel H. Picower.

Appellees.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

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**APPELLANTS' MOTION FOR EXPEDITED APPEAL**

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**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT  
OF APPELLANTS SUZANNE STONE MARSHALL, ET AL.**

**Certificate of Interested Persons**

Undersigned counsel for Suzanne Stone Marshall, Adele Fox, Marsha Peshkin, and Russell Oasis, individually and on behalf of a class of similarly situated Plaintiffs, pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, hereby certifies that the following is a complete list of persons and entities having an interest in the outcome of this appeal:

**Parties:**

**Plaintiffs/Appellants:**

SUZANNE STONE MARSHALL, ADELE FOX, MARSHA PESHKIN, and RUSSELL OASIS, individually and on behalf of a class of similarly situated parties.

**Defendants/Appellees:**

CAPITAL GROWTH COMPANY; DECISIONS, INC.; FAVORITE FUNDS; JA PRIMARY LIMITED PARTNERSHIP; JA SPECIAL LIMITED PARTNERSHIP; JAB PARTNERSHIP; JEMW PARTNERSHIP; JF PARTNERSHIP; JFM INVESTMENT COMPANIES; JLN PARTNERSHIP; JMP LIMITED PARTNERSHIP; JEFFRY M. PICOWER SPECIAL COMPANY; JEFFRY M. PICOWER, P.C.; THE PICOWER FOUNDATION; THE PICOWER INSTITUTE OF MEDICAL RESEARCH; THE TRUST F/B/O GABRIELLE H. PICOWER; BARBARA PICOWER, individually, and as Executor of the Estate of Jeffrey M. Picower, and as Trustee for the Picower Foundation and for the Trust f/b/o Gabriel H. Picower.

**Other Parties:**

Irving H. Picard, Trustee of Bernard L. Madoff Investment Securities, LLC.

**Counsel:**

Becker & Poliakoff, P.A. and Becker & Poliakoff, LLP (Helen Davis Chaitman and Lance Gotthoffer), counsel for Appellants

Baker & Hostetler, LLP (David Sheehan), counsel for Irving H. Picard

Holland & Knight LLP (Sanford Bohrer), counsel for Appellees

Shulte, Roth & Zabel LLP (William D. Zabel, Marcy Ressler Harris, Michael Kwon, and Frank LaSalle), counsel for Appellees

Beasley, Hauser, Kramer and Galardi, P.A. (Joseph Galardi) and Blackner Stone and Associates (Richard Stone), counsel for A & G Goldman Partnership  
and Pamela Goldman (co-defendants in the New York injunction action)

**Judges:**

Kenneth L. Ryskamp, United States District Judge

William Matthewman, United States Magistrate Judge

James M. Hopkins, United States Magistrate Judge

Kenneth A. Marra, United States District Judge

/s/ Helen Davis Chaitman  
Helen Davis Chaitman

**Corporate Disclosure Statement**

Undersigned counsel for Suzanne Stone Marshall, Adele Fox, Marsha Peshkin, and Russell Oasis, individually and on behalf of a class of similarly situated Plaintiffs, pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, hereby certifies that none of the Appellants is a corporate entity.

/s/ Helen Davis Chaitman  
Helen Davis Chaitman

**MOTION FOR EXPEDITED APPEAL**

Pursuant to FRAP 27-1 Appellants, plaintiffs below, respectfully request that the Court issue an expedited briefing schedule. This is an appeal of an order denying injunctive relief and as such Appellants are moving simultaneously for an expedited briefing schedule and an injunction pending appeal, preventing Appellees, and those in active concert and participation with them, from seeking to litigate the claims in this action other than in the court below.

Good cause exists for this request. The United States Court of Appeals for the Second Circuit in related bankruptcy proceedings, has expressly held that Appellants have leave to amend their proposed class action complaint, originally filed below in 2010, and that the merits of such an amended complaint is “a question in the first instance for the Southern District of Florida.” *See In Re: Bernard L. Madoff Investment Securities LLC*, Case No. 12-1645, Document 164-1 (2d Cir. 2014)

Despite the Second Circuit’s mandate, the Appellees, in concert with the SIPA appointed Trustee for the Estate of Bernard L. Madoff, LLC, are proceeding in the United States Bankruptcy Court for the Southern District of New York in an attempt to enjoin Appellants from exercising their right to proceed in the Southern District of Florida. As more fully explained in

the accompanying Motion for an Injunction Pending Appeal, this Court should not allow the Appellees to ignore the ruling of the Second Circuit and force Appellants to litigate the merits of their claims outside of the forum directed by it. Appellants must file their opposition papers in the Bankruptcy Court by April 18, 2014 and the matter is set for hearing on May 7, 2014.

Accordingly, Appellants respectfully suggest the following expedited briefing schedule for purposes of these time sensitive motions:

Appellees' Response to Motion for Expedited Appeal	April 15, 2014
Appellants' Reply to Appellee's Response re Expedited Appeal	April 21, 2014
Appellees' Response to the Emergency Motion for an Injunction Pending Appeal	April 15, 2014
Appellants' Reply to the Emergency Motion for an Injunction Pending Appeal	April 21, 2014
Appellants' Initial Brief and Memorandum of Law	May 2, 2014
Appellees' Response Brief and Memorandum of Law	May 16, 2014
Appellants' Reply Brief	May 23, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that an original and three copies of the foregoing Certificate of Interested Persons and Motion were delivered by overnight mail to the United States Court of Appeals for the Eleventh Circuit on the 9th day of April, 2014, and that a copy thereof was delivered by overnight mail on the same day to all those on the attached service list:

/s/ Helen Davis Chaitman

Helen Davis Chaitman

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